



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

BOARD OF MARINE PILOTS

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2525
Fax: 907.465.2974

State of Alaska
Department of Commerce, Community and
Economic Development
Division of Corporations, Business and Professional Licensing

BOARD OF MARINE PILOTS

MINUTES OF MEETING
April 21, 2021

These draft minutes were prepared by staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board.

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Marine Pilots was held via video/teleconference January 20, 2021.

Call to Order/Roll Call April 21, 2021

The meeting was called to order by Chairman Curtis Thayer, at 10:03 a.m. Those present, constituting a quorum of the Board were:

Curtis Thayer
Rick Harris
Captain Edward Sinclair
Lucas Hasenbank
Les Cronk

Excused:
Peggy McLaughlin

Present from the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing, were:

Renee Hoffard, Marine Pilot Coordinator
Greg Francois, Chief Investigator
Shauna Muraco, Investigator III
Melissa Dumas, Administrative Officer

Visitors present included:

Mike Tibbles, Cruise Lines International Association, Alaska (CLIA)
Captain John Herring, Southeast Alaska Pilots Association (SEAPA)
Jenni Zielinski, Southwest Alaska Pilots Association (SWAPA)
Captain Joe Martin, Southwest Alaska Pilots Association (SWAPA)
Captain Clayton Christy, Alaska Marine Pilots (AMP)
Jessi Li, Southeast Alaska Pilots Association (SEAPA)
Lt. Hadley Owen, National Oceanic and Atmospheric Administration (NOAA)
Captain Robert Dersham, Southeast Alaska Pilots Association (SEAPA)
Captain Ronald Ward II, Southwest Alaska Pilots Association (SWAPA)
Drew Green
Jeff Logan
Malan Paquette

Approximately 17 callers joined the call over the course of the meeting.

Agenda Item 2 – Review Agenda

Upon a motion duly made by Rick Harris, seconded by Captain Edward Sinclair, and approved via roll call, it was:

RESOLVED to approve the agenda written.

Agenda Item 3 – Review of meeting minutes

The Board reviewed the draft minutes for the January 20, 2021 teleconference.

Upon a motion duly made by Rick Harris, seconded by Captain Edward Sinclair, and approved via roll call, it was:

RESOLVED to approve the January 20, 2021 board meeting minutes as written.

Agenda Item 4 – Ethics Declarations/Recusals

The board had no ethics declarations or recusals.

Agenda Item 5 – Public Comment

Chair Thayer opened the floor for public comment; at that time there were 14 members of the public in attendance. No comments were made; Chair Thayer closed public comment at 10:07 am.

Agenda Item 6 – Cruise Industry Update

Mike Tibbles of Cruise Lines International Association (CLIA), Alaska joined the meeting to provide an update on the cruise industry. Since the CDC issued the no-sail order in October

2020 the COVID vaccine has been approved for distribution and many Americans have received the vaccine which the industry hopes will be a significant game changer. The industry is working with the CDC and the national administration in efforts to educate on the success of industry protocols which involve a high level comprehensive multi-layered approach to reducing risk. The protocols have proven to be very effective outside of the United States as the industry has seen over 400,000 people cruise since last July across Europe and Asia with very small numbers of cases. The congressional delegation is working hard to address a number of issues which are preventing a return to cruises in the United States. They are working on the CDC issues as well as the passenger vessel service act both of which have legislation in both the House and the Senate. All kinds of individuals that are impacted by this shutdown in the industry are working with their delegations to engage them and encourage them to work with the CDC in the White House as well and promote the restart of cruises. Things on hold waiting to see if there will be some progress, or are there any significant outcomes from all of the efforts that are underway at this point.

Mr. Harris asked if Mr. Tibbles wanted to comment on the three initiatives introduced in Juneau regarding limiting cruise ships and passengers. Mr. Tibbles replied that a lot of locals that work in the industry as well as a lot of local businesses are aware of the issues and are working hard to try to educate the public here on what the potential impacts would be; some of those items are very significant.

Agenda Item 7 – Investigations Report

Chief Investigator Greg Francois joined the meeting to provide the investigative report for the time period of January 15, 2021 – April 16, 2021; there is 1 investigation remaining as an open case. The one open case is 18 months old but investigation is consulting with a board member on the issue which is about a ship movement which requires further information which may take going to another country to find the captain.

Chief Francois informed the board that an investigator has been assigned the Marine Pilot program. Investigator Shauna Muraco has joined the division with a law enforcement background and will be assuming responsibility of the program investigations workload.

Agenda Item 8 – Annual Report

MPC Hoffard provided an overview of the annual report that is completed and approved yearly by the board. The purpose of the annual report is to report the accomplishments, activities, and the past and present needs of the licensing program. The board goals for the prior year were met and the board will work to schedule board meeting dates for the upcoming fiscal year for the budget portion of the report. The board anticipates moving back to in-person meetings starting October 2021 in Juneau. MPC Hoffard was directed to set dates with the board via email in the next few weeks and submit the travel request as soon as possible.

Agenda Item 9 – 2021 Yacht Navigation Packet Review

The board reviewed the documents for the Yacht Navigation packet as required per AS 08.62.180(c). Captain Sinclair asked if the contact information discussed in 2020 had been removed as requested by the board and MPC Hoffard confirmed that it had.

Upon a motion duly made by Les Cronk, seconded by Lucas Hasenbank, and approved via roll call, it was:

RESOLVED to approve the 2021 Yacht Navigation Packet as presented.

Agenda Item 10 – Regulation Amendments

Chair Thayer asked MPC Hoffard to provide an overview of the draft language presented to the board to amend 12 AAC 56.115, Foreign Pleasure Craft Exemptions and 12 AAC 56.120(a)(29), Pilot stations/pick-up points.

MPC Hoffard presented the draft language:

12 AAC 56.115(B) amended to read “radar, if the vessel is over 125 feet long, the radar must have the means to automatically track the range and bearing of other targets to determine collision risk”

12 AAC 56.115(D) amended to read “a magnetic compass with a deviation table created not later than one year before the date of the application for an exemption, or a Transmitting Heading Device (THD).”

12 AAC 56.115(B) amended to read “a minimum of two VHF transceivers in order to simultaneously monitor Channels 13 and 16.”

12 AAC 56.1159(c) is amended by to read “On vessels over 100 feet in length, the captain or master aboard a pleasure craft seeking a pilotage exemption must hold a current mariner’s license for the vessel’s tonnage. A copy of the mariner’s license must be submitted with the application submitted under this section. On a pleasure craft greater than 200 gross tons, the master must hold a valid unlimited radar observer endorsement. Masters that do not hold a valid unlimited radar endorsement must submit proof of radar training completed within the five years immediately preceding the date of the application.”

12 AAC 56.120(a)(39) is amended to read “Togiak – 4.1 miles 140° true from Summit Island; approximate position 58° 46' north latitude, 160° 06' west longitude

Upon a motion duly made by Rick Harris, seconded by Les Cronk, and approved via roll call, it was:

RESOLVED to approve the draft language as presented to be submitted for a regulations project.

Discussion – The board elected to accept written testimony only and anticipate review of any comments at the October 2021 board meeting. MPC Hoffard was directed to submit the drafts to the division regulations specialist.

Agenda Item 11 – Association Reports

AMP:

Captain Clayton Christy provided the report. AMP has a current roster of 9 full pilots with 1 trainee that just received a Deputy Marine Pilot license and 1 apprentice working towards federal pilotage. Approximately 80% of the roster has been vaccinated at this time. The association had no issues to report; he thanked the board for moving the proposed regulation amendment forward to public comment. The board had no questions for AMP.

Captain Sinclair asked to clarify that the board had indeed moved the regulation proposal forward; Mr. Harris confirmed that was the intention of his motion.

SEAPA:

Captain John Herring provided the association report. Current roster of 38 full pilots, 11 deputy pilots, and 18 trainees. SEAPA is operating under the assumption that there will be no cruise ships this season in consideration of how long it takes to reposition ships and recruit staff. The association held entrance selections and had six successful candidates which is lower than anticipated but not unexpected due to the current status of COVID. Due to the region being so heavily slanted towards cruises there isn't enough traffic in the region to do training so the training program is essentially at a stand-still. They anticipate resuming in earnest in 2022 as the projected schedule is 20% busier than 2018 which was a very busy year. The association may have issues with filling dispatch in 2022 but they are preparing for that as best they can; an additional 10 pilots would put them in fairly good shape. If there is a surge in foreign pleasure craft exemptions the association would hope the board would again permit the yachts to transit without a pilot unless they are doing high-risk transits to reduce the demand for pilots.

Chair Thayer moved to agenda item 12 as the representative for SWAPA was not available.

Agenda Item 12 – Division Update

Administrative Officer, Melissa Dumas provided the division update. Ms. Dumas reviewed the FY201 1st-3rd quarter fiscal report with the board. For this fiscal year the program has had \$130,950 brought in as revenue with total expenditures of \$63,494. The program started the final quarter of FY2021 with a surplus of \$346,269 which is higher than it has been in previous years but that is due to reduced expenditures for investigations and the lack of travel for board members. Ms. Dumas also provided a brief overview of a couple of bills that may affect the board if approved by the legislature.

Chair Thayer moved back to association reports to hear from SWAPA.

SWAPA:

Captain Joe Martin provided the report. SWAPA presently has 15 full members, VLCC qualified pilots, one of which is enrolled in the transitional retirement program. SWAPA also has 3 Deputy Pilots holding 110,000 Gross Ton licenses, two of whom have completed their winter training maneuvers on VLCC's in Valdez. They will continue their training this summer and will apply to become Full Pilots once they have met those qualifications; they also have 1 Deputy Pilot holding a 95,000 Gross Ton license, who should be upgrading to the 110,000-ton level next month. SWAPA has three Trainees working on hands on maneuvers in the region, and

additionally, one observer working on Federal Pilotage. With the increased roll out of COVID-19 vaccines, they are able to have trainees on a majority of vessels calling in the region. He thanked Captain John Falvey and Captain Tony Karvelas of the Alaska Marine Highway System for working with SEAPA to re-ignite the Pilot Training program on board the ferries; the partnership is very important to SWAPA's training program as it is SEAPA's. SWAPA is again expecting no cruise ship traffic to speak of in 2021. However, interest in returning cruise ships in 2022 is being expressed, and they look forward to their return.

SWAPA proposed amendments to their training program to meet the changes made to regulations 12 AAC 56.028 (j) and 12 AAC 56.033 (b)(2) that are effective May 5, 2021 regarding giving credit for additional maneuvers completed by apprentices.

Upon a motion duly made by Captain Edward Sinclair, seconded by Lucas Hasenbank, and approved via roll call, it was:

RESOLVED to approve the revisions to the Southwest Alaska Pilots Association training program as written.

Agenda Item 13 – Correspondence

Chair Thayer stated that the Alaska Marine Highway System (AMHS) had responded to a letter sent by the pilot associations regarding the pilot observer program; AMHS intends to restart the program on a limited basis due to COVID-19. The letters were provided to the board for their review.

Good of the order:

Rick Harris – thanked the associations and AMHS for working to resolve the issue of pilot observers. Mr. Harris has had confirmation hearings with both the House and Senate transportation committees and has been recommended for confirmation to his seat on the board. He inquired if the board would be formally thanking out-going board member Captain Ward for his service and if a replacement had been considered for his seat.

Captain Sinclair – pointed out that Lucas Hasenbank had also had confirmation hearing for his seat on the board and has been recommended for confirmation.

Chair Thayer – thanked Mr. Harris and Mr. Hasenbank for their attendance at their hearings and looks forward to their appointments being confirmed. No appointments have been made to fill the vacant pilot member seat. He thanked Captain Ward for his service to the board and will work with Renee to send a formal thank you.

Upon a motion duly made by Les Cronk, seconded by Rick Harris, and approved via roll call, it was:

RESOLVED to adjourn the meeting.

Off record at 11:05 pm.

Respectfully Submitted:

Renee Hoffard
Marine Pilot Coordinator

Approved:

Curtis Thayer, Chair
Alaska Board of Marine Pilots

Date: _____

DRAFT